

Oakland diocese could face punitive damages payout, judge rules

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HAYWARD - In a tentative ruling issued today, an Alameda County Superior Court judge opened the door to a potential punitive damage award in a recently begun clergy sex abuse case.

The ruling came in connection with a lawsuit filed by Robert Thatcher, who along with his brother Tom sued the Diocese of Oakland over abuse they suffered at the hands of defrocked priest Robert Ponciroli.

"As alleged, the conduct of the church is outrageous, oppressive and malicious," Judge Harry Sheppard said in explaining his tentative ruling. "And it was done with a conscious disregard for the persons they were entrusted to protect, being children."

The tentative ruling, if it becomes final, is significant because punitive damages could dramatically increase the monetary award in the case.

Ponciroli served at St. Ignatius Parish in Antioch from 1980 until 1983. The Thatcher brothers served as altar boys at St. Ignatius from 1979 to 1981.

The diocese has already admitted it had acted negligently in the Ponciroli matter, paving the way for a jury to decide on compensatory damages.

The question before Sheppard today was whether Robert Thatcher would be able to pursue punitive damages, meant to punish a defendant for reprehensible behavior.

In court filings, plaintiff's attorney Rick Simons has said the diocese knew Ponciroli was a "serial pedophile" and moved him from parish to parish, thereby exposing numerous children to molestation.

Allen Ruby, an Oakland diocese attorney, told the judge he would file a brief Friday opposing the tentative ruling. Ruby declined to comment outside of court today.

The judge said a first panel of prospective jurors in the case would be called in Monday afternoon.

The Hayward trial is one of more than 150 civil cases filed against Northern California dioceses in 2002 and 2003. A jury in a trial involving the San Francisco archdiocese could be seated by Monday.